

REMARKS

The claims are claims 34, 46, 49, 52 and 55 to 58.

Claims 1, 10, 12 and 29 are newly canceled.

Claims 34, 46, 49 and 52 were rejected under 35 U.S.C. 102(e) as being anticipated by Boyd et al U.S. Patent No. 6,850,632.

Claims 34, 46, 49 and 52 recited subject matter not anticipated by Boyd et al. Claims 34, 46, 49 and 52 recite "an activation key operable to activate a remote control device." Claim 34 further recites "a fingerprint sensor integrated within the activation key." Claims 46, 49 and 52 similarly recite "said fingerprint sensor is embedded in the activation key." The OFFICE ACTION states at: page 6, lines 5 to 14; page 6, line 24 to page 7, line 7; page 7, line 19 to page 8, line 2; and page 8, lines 11 to 21:

"control keys including an activation key operable to activate a remote control device (see at least FIGs. 1-2, key 14; it should be noted that without a user positioning over the select button 14, the remote controller 10 is inactive or in a sleep mode - no signal is sent from or received by the remote controller 10 - but as soon as a user's finger is positioned over button 14, an image of the user's fingerprint is captured and authenticated by the sensor; if the user is an authorized user, the remote controller is waking up and switching to an active state which consists of awaiting a pressing of key 14 to send a signal to the controlled device, such as a TV; therefore, the claimed control keys including an activation key -- i.e., key 14 -- operable to activate a remote control device is considered met by key 14)"

This argument by the Examiner is remarkable in that it fails to point out the portions of Boyd et al teaching the points argued. The Applicants submit that Boyd et al does not teach "without a user positioning over the select button 14, the remote controller 10 is inactive or in a sleep mode - no signal is sent from or received by the remote controller 10." Without tying this

rejection to the teachings of Boyd et al this rejection fails to comply with the requirements of 37 CFR §1.104(c)(2). The text of 37 CFR §1.104(c)(2) states:

"(2) In rejecting claims for want of novelty or for obviousness, the examiner must cite the best references at his command. When a reference is complex or shows or describes inventions other than that claimed by the applicant, the particular part relied on must be designated as nearly as practicable. The pertinence of each reference, if not apparent, must be clearly explained and each rejected claim specified."

The Applicants respectfully submit that there is no teaching in Boyd et al to support this rejection. This application states at page 11, lines 21 to 23:

"In another preferred embodiment, the finger print apparatus 26 is incorporated on the remote control device 41 as an 'activate remote' key that must be pressed in order for the remote to start functioning."

Thus according to the language of claims 34, 46, 49 and 52 and as taught in the application, the remote control requires the activation key including the fingerprint sensor to be pressed to start functioning. Boyd et al does not teach this subject matter. Figure 1 of Boyd et al illustrates plural buttons. In the absence of teaching in Boyd et al to believe otherwise, pressing any of these other buttons would cause the remote to operate to send a signal to the controlled device. The OFFICE ACTION fails to point out where Boyd et al teaches pressing button 14 is necessary for other operations of remote control 10. Accordingly, claims 34, 46, 49 and 52 are allowable over Boyd et al.

Claims 55 to 58 are allowable by dependence upon respective allowable base claims 33, 46, 49 and 52.

The Applicants respectfully submit that all the present claims

are allowable for the reasons set forth above. Therefore early reconsideration and advance to issue are respectfully requested.

If the Examiner has any questions or other correspondence regarding this application, Applicants request that the Examiner contact Applicants' attorney at the below listed telephone number and address to facilitate prosecution.

Texas Instruments Incorporated
P.O. Box 655474 M/S 3999
Dallas, Texas 75265
(972) 917-5290
Fax: (972) 917-4418

Respectfully submitted,

/Robert D. Marshall, Jr./
Robert D. Marshall, Jr.
Reg. No. 28,527